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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2013-391

11 **BEN LONG MILES**
2134 Clay Street
12 Napa, CA 94559

A C C U S A T I O N

13 **Registered Nurse License No. 713675**

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about October 9, 2007, the Board of Registered Nursing issued Registered
22 Nurse License Number 713675 to Ben Long Miles (Respondent). The Registered Nurse License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 May 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
8 Code, the Board may renew an expired license at any time within eight years after the expiration.

9 **STATUTORY AND REGULATORY PROVISIONS**

10 6. Section 2761 of the Code states, in pertinent part:

11 The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 (a) Unprofessional conduct

14 7. Section 2762 of the Code states, in pertinent part:

15 In addition to other acts constituting unprofessional conduct within the meaning of this
16 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
17 following:

18 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
19 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
20 administer to another, any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
22 defined in Section 4022.

23 (b) Use any controlled substance as defined in Division 10 (commencing with Section
24 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
25 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
26 himself or herself, any other person, or the public or to the extent that such use impairs his or her
27 ability to conduct with safety to the public the practice authorized by his or her license.

1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **CAUSE FOR DISCIPLINE**

7 (Unlawful Possession and Use of Drugs)

8 9. Respondent is subject to disciplinary action under section 2762, subsections (a) and
9 (b), of the Code in that he unlawfully possessed controlled substances and/or dangerous drugs,
10 and used said substances, and/or used them to an extent or in a manner dangerous or injurious to
11 himself, any other person, or the public or to the extent that such use impaired his ability to
12 conduct with safety to the public the practice authorized by his license. The circumstances are as
13 follows:

14 10. On or about September 29, 2011, in Sebastopol, California, Respondent possessed,
15 used and was under the influence of marijuana and cocaine. Respondent expressly admitted to a
16 police officer that he had just taken a "bump" of cocaine.

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22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 713675, issued to Ben
26 Long Miles;

27 2. Ordering Ben Long Miles to pay the Board of Registered Nursing the reasonable
28 costs of the investigation and enforcement of this case, pursuant to Business and Professions

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Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: NOVEMBER 14, 2012

Stacie Ben
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant